

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as Andrea's Law.

5 Section 5. The State Finance Act is amended by changing  
6 Section 5.669 as follows:

7 (30 ILCS 105/5.669)

8 Sec. 5.669. The ~~Child~~ Murderer and Violent Offender Against  
9 Youth Registration Fund.

10 (Source: P.A. 94-945, eff. 6-27-06; 95-331, eff. 8-21-07.)

11 Section 10. The School Code is amended by changing Sections  
12 10-21.9, 27A-5, and 34-18.5 as follows:

13 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

14 Sec. 10-21.9. Criminal history records checks and checks of  
15 the Statewide Sex Offender Database and Statewide ~~Child~~  
16 Murderer and Violent Offender Against Youth Database.

17 (a) Certified and noncertified applicants for employment  
18 with a school district, except school bus driver applicants,  
19 are required as a condition of employment to authorize a  
20 fingerprint-based criminal history records check to determine

1 if such applicants have been convicted of any of the enumerated  
2 criminal or drug offenses in subsection (c) of this Section or  
3 have been convicted, within 7 years of the application for  
4 employment with the school district, of any other felony under  
5 the laws of this State or of any offense committed or attempted  
6 in any other state or against the laws of the United States  
7 that, if committed or attempted in this State, would have been  
8 punishable as a felony under the laws of this State.  
9 Authorization for the check shall be furnished by the applicant  
10 to the school district, except that if the applicant is a  
11 substitute teacher seeking employment in more than one school  
12 district, a teacher seeking concurrent part-time employment  
13 positions with more than one school district (as a reading  
14 specialist, special education teacher or otherwise), or an  
15 educational support personnel employee seeking employment  
16 positions with more than one district, any such district may  
17 require the applicant to furnish authorization for the check to  
18 the regional superintendent of the educational service region  
19 in which are located the school districts in which the  
20 applicant is seeking employment as a substitute or concurrent  
21 part-time teacher or concurrent educational support personnel  
22 employee. Upon receipt of this authorization, the school  
23 district or the appropriate regional superintendent, as the  
24 case may be, shall submit the applicant's name, sex, race, date  
25 of birth, social security number, fingerprint images, and other  
26 identifiers, as prescribed by the Department of State Police,

1 to the Department. The regional superintendent submitting the  
2 requisite information to the Department of State Police shall  
3 promptly notify the school districts in which the applicant is  
4 seeking employment as a substitute or concurrent part-time  
5 teacher or concurrent educational support personnel employee  
6 that the check of the applicant has been requested. The  
7 Department of State Police and the Federal Bureau of  
8 Investigation shall furnish, pursuant to a fingerprint-based  
9 criminal history records check, records of convictions, until  
10 expunged, to the president of the school board for the school  
11 district that requested the check, or to the regional  
12 superintendent who requested the check. The Department shall  
13 charge the school district or the appropriate regional  
14 superintendent a fee for conducting such check, which fee shall  
15 be deposited in the State Police Services Fund and shall not  
16 exceed the cost of the inquiry; and the applicant shall not be  
17 charged a fee for such check by the school district or by the  
18 regional superintendent, except that those applicants seeking  
19 employment as a substitute teacher with a school district may  
20 be charged a fee not to exceed the cost of the inquiry. Subject  
21 to appropriations for these purposes, the State Superintendent  
22 of Education shall reimburse school districts and regional  
23 superintendents for fees paid to obtain criminal history  
24 records checks under this Section.

25 (a-5) The school district or regional superintendent shall  
26 further perform a check of the Statewide Sex Offender Database,

1 as authorized by the Sex Offender Community Notification Law,  
2 for each applicant.

3 (a-6) The school district or regional superintendent shall  
4 further perform a check of the Statewide ~~Child~~ Murderer and  
5 Violent Offender Against Youth Database, as authorized by the  
6 ~~Child~~ Murderer and Violent Offender Against Youth Community  
7 Notification Law, for each applicant.

8 (b) Any information concerning the record of convictions  
9 obtained by the president of the school board or the regional  
10 superintendent shall be confidential and may only be  
11 transmitted to the superintendent of the school district or his  
12 designee, the appropriate regional superintendent if the check  
13 was requested by the school district, the presidents of the  
14 appropriate school boards if the check was requested from the  
15 Department of State Police by the regional superintendent, the  
16 State Superintendent of Education, the State Teacher  
17 Certification Board, any other person necessary to the decision  
18 of hiring the applicant for employment, or for clarification  
19 purposes the Department of State Police or Statewide Sex  
20 Offender Database, or both. A copy of the record of convictions  
21 obtained from the Department of State Police shall be provided  
22 to the applicant for employment. Upon the check of the  
23 Statewide Sex Offender Database, the school district or  
24 regional superintendent shall notify an applicant as to whether  
25 or not the applicant has been identified in the Database as a  
26 sex offender. If a check of an applicant for employment as a

1 substitute or concurrent part-time teacher or concurrent  
2 educational support personnel employee in more than one school  
3 district was requested by the regional superintendent, and the  
4 Department of State Police upon a check ascertains that the  
5 applicant has not been convicted of any of the enumerated  
6 criminal or drug offenses in subsection (c) or has not been  
7 convicted, within 7 years of the application for employment  
8 with the school district, of any other felony under the laws of  
9 this State or of any offense committed or attempted in any  
10 other state or against the laws of the United States that, if  
11 committed or attempted in this State, would have been  
12 punishable as a felony under the laws of this State and so  
13 notifies the regional superintendent and if the regional  
14 superintendent upon a check ascertains that the applicant has  
15 not been identified in the Sex Offender Database as a sex  
16 offender, then the regional superintendent shall issue to the  
17 applicant a certificate evidencing that as of the date  
18 specified by the Department of State Police the applicant has  
19 not been convicted of any of the enumerated criminal or drug  
20 offenses in subsection (c) or has not been convicted, within 7  
21 years of the application for employment with the school  
22 district, of any other felony under the laws of this State or  
23 of any offense committed or attempted in any other state or  
24 against the laws of the United States that, if committed or  
25 attempted in this State, would have been punishable as a felony  
26 under the laws of this State and evidencing that as of the date

1 that the regional superintendent conducted a check of the  
2 Statewide Sex Offender Database, the applicant has not been  
3 identified in the Database as a sex offender. The school board  
4 of any school district may rely on the certificate issued by  
5 any regional superintendent to that substitute teacher,  
6 concurrent part-time teacher, or concurrent educational  
7 support personnel employee or may initiate its own criminal  
8 history records check of the applicant through the Department  
9 of State Police and its own check of the Statewide Sex Offender  
10 Database as provided in subsection (a). Any person who releases  
11 any confidential information concerning any criminal  
12 convictions of an applicant for employment shall be guilty of a  
13 Class A misdemeanor, unless the release of such information is  
14 authorized by this Section.

15 (c) No school board shall knowingly employ a person who has  
16 been convicted of any offense that would subject him or her to  
17 certification suspension or revocation pursuant to Section  
18 21-23a of this Code. Further, no school board shall knowingly  
19 employ a person who has been found to be the perpetrator of  
20 sexual or physical abuse of any minor under 18 years of age  
21 pursuant to proceedings under Article II of the Juvenile Court  
22 Act of 1987.

23 (d) No school board shall knowingly employ a person for  
24 whom a criminal history records check and a Statewide Sex  
25 Offender Database check has not been initiated.

26 (e) Upon receipt of the record of a conviction of or a

1 finding of child abuse by a holder of any certificate issued  
2 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
3 Code, the State Superintendent of Education may initiate  
4 certificate suspension and revocation proceedings as  
5 authorized by law.

6 (e-5) The superintendent of the employing school board  
7 shall, in writing, notify the State Superintendent of Education  
8 and the applicable regional superintendent of schools of any  
9 certificate holder whom he or she has reasonable cause to  
10 believe has committed an intentional act of abuse or neglect  
11 with the result of making a child an abused child or a  
12 neglected child, as defined in Section 3 of the Abused and  
13 Neglected Child Reporting Act, and that act resulted in the  
14 certificate holder's dismissal or resignation from the school  
15 district. This notification must be submitted within 30 days  
16 after the dismissal or resignation. The certificate holder must  
17 also be contemporaneously sent a copy of the notice by the  
18 superintendent. All correspondence, documentation, and other  
19 information so received by the regional superintendent of  
20 schools, the State Superintendent of Education, the State Board  
21 of Education, or the State Teacher Certification Board under  
22 this subsection (e-5) is confidential and must not be disclosed  
23 to third parties, except (i) as necessary for the State  
24 Superintendent of Education or his or her designee to  
25 investigate and prosecute pursuant to Article 21 of this Code,  
26 (ii) pursuant to a court order, (iii) for disclosure to the

1 certificate holder or his or her representative, or (iv) as  
2 otherwise provided in this Article and provided that any such  
3 information admitted into evidence in a hearing is exempt from  
4 this confidentiality and non-disclosure requirement. Except  
5 for an act of willful or wanton misconduct, any superintendent  
6 who provides notification as required in this subsection (e-5)  
7 shall have immunity from any liability, whether civil or  
8 criminal or that otherwise might result by reason of such  
9 action.

10 (f) After January 1, 1990 the provisions of this Section  
11 shall apply to all employees of persons or firms holding  
12 contracts with any school district including, but not limited  
13 to, food service workers, school bus drivers and other  
14 transportation employees, who have direct, daily contact with  
15 the pupils of any school in such district. For purposes of  
16 criminal history records checks and checks of the Statewide Sex  
17 Offender Database on employees of persons or firms holding  
18 contracts with more than one school district and assigned to  
19 more than one school district, the regional superintendent of  
20 the educational service region in which the contracting school  
21 districts are located may, at the request of any such school  
22 district, be responsible for receiving the authorization for a  
23 criminal history records check prepared by each such employee  
24 and submitting the same to the Department of State Police and  
25 for conducting a check of the Statewide Sex Offender Database  
26 for each employee. Any information concerning the record of

1 conviction and identification as a sex offender of any such  
2 employee obtained by the regional superintendent shall be  
3 promptly reported to the president of the appropriate school  
4 board or school boards.

5 (g) In order to student teach in the public schools, a  
6 person is required to authorize a fingerprint-based criminal  
7 history records check and checks of the Statewide Sex Offender  
8 Database and Statewide ~~Child~~ Murderer and Violent Offender  
9 Against Youth Database prior to participating in any field  
10 experiences in the public schools. Authorization for and  
11 payment of the costs of the checks must be furnished by the  
12 student teacher. Results of the checks must be furnished to the  
13 higher education institution where the student teacher is  
14 enrolled and the superintendent of the school district where  
15 the student is assigned.

16 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;  
17 96-1452, eff. 8-20-10; 96-1489, eff. 1-1-11; revised 1-4-11.)

18 (105 ILCS 5/27A-5)

19 Sec. 27A-5. Charter school; legal entity; requirements.

20 (a) A charter school shall be a public, nonsectarian,  
21 nonreligious, non-home based, and non-profit school. A charter  
22 school shall be organized and operated as a nonprofit  
23 corporation or other discrete, legal, nonprofit entity  
24 authorized under the laws of the State of Illinois.

25 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public  
2 school or attendance center to charter school status. Beginning  
3 on the effective date of this amendatory Act of the 93rd  
4 General Assembly, in all new applications submitted to the  
5 State Board or a local school board to establish a charter  
6 school in a city having a population exceeding 500,000,  
7 operation of the charter school shall be limited to one campus.  
8 The changes made to this Section by this amendatory Act of the  
9 93rd General Assembly do not apply to charter schools existing  
10 or approved on or before the effective date of this amendatory  
11 Act.

12 (c) A charter school shall be administered and governed by  
13 its board of directors or other governing body in the manner  
14 provided in its charter. The governing body of a charter school  
15 shall be subject to the Freedom of Information Act and the Open  
16 Meetings Act.

17 (d) A charter school shall comply with all applicable  
18 health and safety requirements applicable to public schools  
19 under the laws of the State of Illinois.

20 (e) Except as otherwise provided in the School Code, a  
21 charter school shall not charge tuition; provided that a  
22 charter school may charge reasonable fees for textbooks,  
23 instructional materials, and student activities.

24 (f) A charter school shall be responsible for the  
25 management and operation of its fiscal affairs including, but  
26 not limited to, the preparation of its budget. An audit of each

1 charter school's finances shall be conducted annually by an  
2 outside, independent contractor retained by the charter  
3 school. Annually, by December 1, every charter school must  
4 submit to the State Board a copy of its audit and a copy of the  
5 Form 990 the charter school filed that year with the federal  
6 Internal Revenue Service.

7 (g) A charter school shall comply with all provisions of  
8 this Article, the Illinois Educational Labor Relations Act, and  
9 its charter. A charter school is exempt from all other State  
10 laws and regulations in the School Code governing public  
11 schools and local school board policies, except the following:

12 (1) Sections 10-21.9 and 34-18.5 of the School Code  
13 regarding criminal history records checks and checks of the  
14 Statewide Sex Offender Database and Statewide ~~Child~~  
15 Murderer and Violent Offender Against Youth Database of  
16 applicants for employment;

17 (2) Sections 24-24 and 34-84A of the School Code  
18 regarding discipline of students;

19 (3) The Local Governmental and Governmental Employees  
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit  
22 Corporation Act of 1986 regarding indemnification of  
23 officers, directors, employees, and agents;

24 (5) The Abused and Neglected Child Reporting Act;

25 (6) The Illinois School Student Records Act;

26 (7) Section 10-17a of the School Code regarding school

1 report cards; and

2 (8) The P-20 Longitudinal Education Data System Act.

3 The change made by Public Act 96-104 to this subsection (g)  
4 is declaratory of existing law.

5 (h) A charter school may negotiate and contract with a  
6 school district, the governing body of a State college or  
7 university or public community college, or any other public or  
8 for-profit or nonprofit private entity for: (i) the use of a  
9 school building and grounds or any other real property or  
10 facilities that the charter school desires to use or convert  
11 for use as a charter school site, (ii) the operation and  
12 maintenance thereof, and (iii) the provision of any service,  
13 activity, or undertaking that the charter school is required to  
14 perform in order to carry out the terms of its charter.  
15 However, a charter school that is established on or after the  
16 effective date of this amendatory Act of the 93rd General  
17 Assembly and that operates in a city having a population  
18 exceeding 500,000 may not contract with a for-profit entity to  
19 manage or operate the school during the period that commences  
20 on the effective date of this amendatory Act of the 93rd  
21 General Assembly and concludes at the end of the 2004-2005  
22 school year. Except as provided in subsection (i) of this  
23 Section, a school district may charge a charter school  
24 reasonable rent for the use of the district's buildings,  
25 grounds, and facilities. Any services for which a charter  
26 school contracts with a school district shall be provided by

1 the district at cost. Any services for which a charter school  
2 contracts with a local school board or with the governing body  
3 of a State college or university or public community college  
4 shall be provided by the public entity at cost.

5 (i) In no event shall a charter school that is established  
6 by converting an existing school or attendance center to  
7 charter school status be required to pay rent for space that is  
8 deemed available, as negotiated and provided in the charter  
9 agreement, in school district facilities. However, all other  
10 costs for the operation and maintenance of school district  
11 facilities that are used by the charter school shall be subject  
12 to negotiation between the charter school and the local school  
13 board and shall be set forth in the charter.

14 (j) A charter school may limit student enrollment by age or  
15 grade level.

16 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;  
17 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.  
18 7-2-10.)

19 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

20 Sec. 34-18.5. Criminal history records checks and checks of  
21 the Statewide Sex Offender Database and Statewide ~~Child~~  
22 Murderer and Violent Offender Against Youth Database.

23 (a) Certified and noncertified applicants for employment  
24 with the school district are required as a condition of  
25 employment to authorize a fingerprint-based criminal history

1 records check to determine if such applicants have been  
2 convicted of any of the enumerated criminal or drug offenses in  
3 subsection (c) of this Section or have been convicted, within 7  
4 years of the application for employment with the school  
5 district, of any other felony under the laws of this State or  
6 of any offense committed or attempted in any other state or  
7 against the laws of the United States that, if committed or  
8 attempted in this State, would have been punishable as a felony  
9 under the laws of this State. Authorization for the check shall  
10 be furnished by the applicant to the school district, except  
11 that if the applicant is a substitute teacher seeking  
12 employment in more than one school district, or a teacher  
13 seeking concurrent part-time employment positions with more  
14 than one school district (as a reading specialist, special  
15 education teacher or otherwise), or an educational support  
16 personnel employee seeking employment positions with more than  
17 one district, any such district may require the applicant to  
18 furnish authorization for the check to the regional  
19 superintendent of the educational service region in which are  
20 located the school districts in which the applicant is seeking  
21 employment as a substitute or concurrent part-time teacher or  
22 concurrent educational support personnel employee. Upon  
23 receipt of this authorization, the school district or the  
24 appropriate regional superintendent, as the case may be, shall  
25 submit the applicant's name, sex, race, date of birth, social  
26 security number, fingerprint images, and other identifiers, as

1 prescribed by the Department of State Police, to the  
2 Department. The regional superintendent submitting the  
3 requisite information to the Department of State Police shall  
4 promptly notify the school districts in which the applicant is  
5 seeking employment as a substitute or concurrent part-time  
6 teacher or concurrent educational support personnel employee  
7 that the check of the applicant has been requested. The  
8 Department of State Police and the Federal Bureau of  
9 Investigation shall furnish, pursuant to a fingerprint-based  
10 criminal history records check, records of convictions, until  
11 expunged, to the president of the school board for the school  
12 district that requested the check, or to the regional  
13 superintendent who requested the check. The Department shall  
14 charge the school district or the appropriate regional  
15 superintendent a fee for conducting such check, which fee shall  
16 be deposited in the State Police Services Fund and shall not  
17 exceed the cost of the inquiry; and the applicant shall not be  
18 charged a fee for such check by the school district or by the  
19 regional superintendent. Subject to appropriations for these  
20 purposes, the State Superintendent of Education shall  
21 reimburse the school district and regional superintendent for  
22 fees paid to obtain criminal history records checks under this  
23 Section.

24 (a-5) The school district or regional superintendent shall  
25 further perform a check of the Statewide Sex Offender Database,  
26 as authorized by the Sex Offender Community Notification Law,

1 for each applicant.

2 (a-6) The school district or regional superintendent shall  
3 further perform a check of the Statewide ~~Child~~ Murderer and  
4 Violent Offender Against Youth Database, as authorized by the  
5 ~~Child~~ Murderer and Violent Offender Against Youth Community  
6 Notification Law, for each applicant.

7 (b) Any information concerning the record of convictions  
8 obtained by the president of the board of education or the  
9 regional superintendent shall be confidential and may only be  
10 transmitted to the general superintendent of the school  
11 district or his designee, the appropriate regional  
12 superintendent if the check was requested by the board of  
13 education for the school district, the presidents of the  
14 appropriate board of education or school boards if the check  
15 was requested from the Department of State Police by the  
16 regional superintendent, the State Superintendent of  
17 Education, the State Teacher Certification Board or any other  
18 person necessary to the decision of hiring the applicant for  
19 employment. A copy of the record of convictions obtained from  
20 the Department of State Police shall be provided to the  
21 applicant for employment. Upon the check of the Statewide Sex  
22 Offender Database, the school district or regional  
23 superintendent shall notify an applicant as to whether or not  
24 the applicant has been identified in the Database as a sex  
25 offender. If a check of an applicant for employment as a  
26 substitute or concurrent part-time teacher or concurrent

1 educational support personnel employee in more than one school  
2 district was requested by the regional superintendent, and the  
3 Department of State Police upon a check ascertains that the  
4 applicant has not been convicted of any of the enumerated  
5 criminal or drug offenses in subsection (c) or has not been  
6 convicted, within 7 years of the application for employment  
7 with the school district, of any other felony under the laws of  
8 this State or of any offense committed or attempted in any  
9 other state or against the laws of the United States that, if  
10 committed or attempted in this State, would have been  
11 punishable as a felony under the laws of this State and so  
12 notifies the regional superintendent and if the regional  
13 superintendent upon a check ascertains that the applicant has  
14 not been identified in the Sex Offender Database as a sex  
15 offender, then the regional superintendent shall issue to the  
16 applicant a certificate evidencing that as of the date  
17 specified by the Department of State Police the applicant has  
18 not been convicted of any of the enumerated criminal or drug  
19 offenses in subsection (c) or has not been convicted, within 7  
20 years of the application for employment with the school  
21 district, of any other felony under the laws of this State or  
22 of any offense committed or attempted in any other state or  
23 against the laws of the United States that, if committed or  
24 attempted in this State, would have been punishable as a felony  
25 under the laws of this State and evidencing that as of the date  
26 that the regional superintendent conducted a check of the

1 Statewide Sex Offender Database, the applicant has not been  
2 identified in the Database as a sex offender. The school board  
3 of any school district may rely on the certificate issued by  
4 any regional superintendent to that substitute teacher,  
5 concurrent part-time teacher, or concurrent educational  
6 support personnel employee or may initiate its own criminal  
7 history records check of the applicant through the Department  
8 of State Police and its own check of the Statewide Sex Offender  
9 Database as provided in subsection (a). Any person who releases  
10 any confidential information concerning any criminal  
11 convictions of an applicant for employment shall be guilty of a  
12 Class A misdemeanor, unless the release of such information is  
13 authorized by this Section.

14 (c) The board of education shall not knowingly employ a  
15 person who has been convicted of any offense that would subject  
16 him or her to certification suspension or revocation pursuant  
17 to Section 21-23a of this Code. Further, the board of education  
18 shall not knowingly employ a person who has been found to be  
19 the perpetrator of sexual or physical abuse of any minor under  
20 18 years of age pursuant to proceedings under Article II of the  
21 Juvenile Court Act of 1987.

22 (d) The board of education shall not knowingly employ a  
23 person for whom a criminal history records check and a  
24 Statewide Sex Offender Database check has not been initiated.

25 (e) Upon receipt of the record of a conviction of or a  
26 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
2 Code, the State Superintendent of Education may initiate  
3 certificate suspension and revocation proceedings as  
4 authorized by law.

5 (e-5) The general superintendent of schools shall, in  
6 writing, notify the State Superintendent of Education of any  
7 certificate holder whom he or she has reasonable cause to  
8 believe has committed an intentional act of abuse or neglect  
9 with the result of making a child an abused child or a  
10 neglected child, as defined in Section 3 of the Abused and  
11 Neglected Child Reporting Act, and that act resulted in the  
12 certificate holder's dismissal or resignation from the school  
13 district. This notification must be submitted within 30 days  
14 after the dismissal or resignation. The certificate holder must  
15 also be contemporaneously sent a copy of the notice by the  
16 superintendent. All correspondence, documentation, and other  
17 information so received by the State Superintendent of  
18 Education, the State Board of Education, or the State Teacher  
19 Certification Board under this subsection (e-5) is  
20 confidential and must not be disclosed to third parties, except  
21 (i) as necessary for the State Superintendent of Education or  
22 his or her designee to investigate and prosecute pursuant to  
23 Article 21 of this Code, (ii) pursuant to a court order, (iii)  
24 for disclosure to the certificate holder or his or her  
25 representative, or (iv) as otherwise provided in this Article  
26 and provided that any such information admitted into evidence

1 in a hearing is exempt from this confidentiality and  
2 non-disclosure requirement. Except for an act of willful or  
3 wanton misconduct, any superintendent who provides  
4 notification as required in this subsection (e-5) shall have  
5 immunity from any liability, whether civil or criminal or that  
6 otherwise might result by reason of such action.

7 (f) After March 19, 1990, the provisions of this Section  
8 shall apply to all employees of persons or firms holding  
9 contracts with any school district including, but not limited  
10 to, food service workers, school bus drivers and other  
11 transportation employees, who have direct, daily contact with  
12 the pupils of any school in such district. For purposes of  
13 criminal history records checks and checks of the Statewide Sex  
14 Offender Database on employees of persons or firms holding  
15 contracts with more than one school district and assigned to  
16 more than one school district, the regional superintendent of  
17 the educational service region in which the contracting school  
18 districts are located may, at the request of any such school  
19 district, be responsible for receiving the authorization for a  
20 criminal history records check prepared by each such employee  
21 and submitting the same to the Department of State Police and  
22 for conducting a check of the Statewide Sex Offender Database  
23 for each employee. Any information concerning the record of  
24 conviction and identification as a sex offender of any such  
25 employee obtained by the regional superintendent shall be  
26 promptly reported to the president of the appropriate school

1 board or school boards.

2 (g) In order to student teach in the public schools, a  
3 person is required to authorize a fingerprint-based criminal  
4 history records check and checks of the Statewide Sex Offender  
5 Database and Statewide ~~Child~~ Murderer and Violent Offender  
6 Against Youth Database prior to participating in any field  
7 experiences in the public schools. Authorization for and  
8 payment of the costs of the checks must be furnished by the  
9 student teacher. Results of the checks must be furnished to the  
10 higher education institution where the student teacher is  
11 enrolled and the general superintendent of schools.

12 (Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09;  
13 96-1452, eff. 8-20-10.)

14 Section 15. The Intergovernmental Missing Child Recovery  
15 Act of 1984 is amended by changing Section 6 as follows:

16 (325 ILCS 40/6) (from Ch. 23, par. 2256)

17 Sec. 6. The Department shall:

18 (a) Establish and maintain a statewide Law Enforcement  
19 Agencies Data System (LEADS) for the purpose of effecting an  
20 immediate law enforcement response to reports of missing  
21 children. The Department shall implement an automated data  
22 exchange system to compile, to maintain and to make available  
23 for dissemination to Illinois and out-of-State law enforcement  
24 agencies, data which can assist appropriate agencies in

1 recovering missing children.

2 (b) Establish contacts and exchange information regarding  
3 lost, missing or runaway children with nationally recognized  
4 "missing person and runaway" service organizations and monitor  
5 national research and publicize important developments.

6 (c) Provide a uniform reporting format for the entry of  
7 pertinent information regarding reports of missing children  
8 into LEADS.

9 (d) Develop and implement a policy whereby a statewide or  
10 regional alert would be used in situations relating to the  
11 disappearances of children, based on criteria and in a format  
12 established by the Department. Such a format shall include, but  
13 not be limited to, the age and physical description of the  
14 missing child and the suspected circumstances of the  
15 disappearance.

16 (e) Notify all law enforcement agencies that reports of  
17 missing persons shall be entered as soon as the minimum level  
18 of data specified by the Department is available to the  
19 reporting agency and that no waiting period for entry of such  
20 data exists.

21 (f) Provide a procedure for prompt confirmation of the  
22 receipt and entry of the missing child report into LEADS to the  
23 parent or guardian of the missing child.

24 (g) Compile and retain information regarding missing  
25 children in a separate data file, in a manner that allows such  
26 information to be used by law enforcement and other agencies

1 deemed appropriate by the Director, for investigative  
2 purposes. Such files shall be updated to reflect and include  
3 information relating to the disposition of the case.

4 (h) Compile and maintain an historic data repository  
5 relating to missing children in order (1) to develop and  
6 improve techniques utilized by law enforcement agencies when  
7 responding to reports of missing children and (2) to provide a  
8 factual and statistical base for research that would address  
9 the problem of missing children.

10 (i) Create a quality control program to monitor timeliness  
11 of entries of missing children reports into LEADS and conduct  
12 performance audits of all entering agencies.

13 (j) Prepare a periodic information bulletin concerning  
14 missing children who it determines may be present in this  
15 State, compiling such bulletin from information contained in  
16 both the National Crime Information Center computer and from  
17 reports, alerts and other information entered into LEADS or  
18 otherwise compiled and retained by the Department pursuant to  
19 this Act. The bulletin shall indicate the name, age, physical  
20 description, suspected circumstances of disappearance if that  
21 information is available, a photograph if one is available, the  
22 name of the law enforcement agency investigating the case, and  
23 such other information as the Director considers appropriate  
24 concerning each missing child who the Department determines may  
25 be present in this State. The Department shall send a copy of  
26 each periodic information bulletin to the State Board of

1 Education for its use in accordance with Section 2-3.48 of the  
2 School Code. The Department shall provide a copy of the  
3 bulletin, upon request, to law enforcement agencies of this or  
4 any other state or of the federal government, and may provide a  
5 copy of the bulletin, upon request, to other persons or  
6 entities, if deemed appropriate by the Director, and may  
7 establish limitations on its use and a reasonable fee for so  
8 providing the same, except that no fee shall be charged for  
9 providing the periodic information bulletin to the State Board  
10 of Education, appropriate units of local government, State  
11 agencies, or law enforcement agencies of this or any other  
12 state or of the federal government.

13 (k) Provide for the entry into LEADS of the names and  
14 addresses of sex offenders as defined in the Sex Offender  
15 Registration Act who are required to register under that Act.  
16 The information shall be immediately accessible to law  
17 enforcement agencies and peace officers of this State or any  
18 other state or of the federal government. Similar information  
19 may be requested from any other state or of the federal  
20 government for purposes of this Act.

21 (l) Provide for the entry into LEADS of the names and  
22 addresses of violent offenders against youth as defined in the  
23 ~~Child~~ Murderer and Violent Offender Against Youth Registration  
24 Act who are required to register under that Act. The  
25 information shall be immediately accessible to law enforcement  
26 agencies and peace officers of this State or any other state or

1 of the federal government. Similar information may be requested  
2 from any other state or of the federal government for purposes  
3 of this Act.

4 (Source: P.A. 94-945, eff. 6-27-06.)

5 Section 20. The Unified Code of Corrections is amended by  
6 changing Section 5-5.5-5 as follows:

7 (730 ILCS 5/5-5.5-5)

8 Sec. 5-5.5-5. Definitions and rules of construction. In  
9 this Article:

10 "Eligible offender" means a person who has been convicted  
11 of a crime that does not include any offense or attempted  
12 offense that would subject a person to registration under the  
13 Sex Offender Registration Act, the Arsonist Registration Act,  
14 or the ~~Child~~ Murderer and Violent Offender Against Youth  
15 Registration Act, but who has not been convicted more than  
16 twice of a felony. "Eligible offender" does not include a  
17 person who has been convicted of committing or attempting to  
18 commit a Class X felony, aggravated driving under the influence  
19 of alcohol, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof, aggravated domestic  
21 battery, or a forcible felony.

22 "Felony" means a conviction of a felony in this State, or  
23 of an offense in any other jurisdiction for which a sentence to  
24 a term of imprisonment in excess of one year, was authorized.

1 For the purposes of this Article the following rules of  
2 construction apply:

3 (i) two or more convictions of felonies charged in  
4 separate counts of one indictment or information shall be  
5 deemed to be one conviction;

6 (ii) two or more convictions of felonies charged in 2  
7 or more indictments or informations, filed in the same  
8 court prior to entry of judgment under any of them, shall  
9 be deemed to be one conviction; and

10 (iii) a plea or a verdict of guilty upon which a  
11 sentence of probation, conditional discharge, or  
12 supervision has been imposed shall be deemed to be a  
13 conviction.

14 "Forcible felony" means first degree murder, second degree  
15 murder, aggravated arson, arson, aggravated kidnapping,  
16 kidnapping, aggravated battery that resulted in great bodily  
17 harm or permanent disability, and any other felony which  
18 involved the use of physical force or violence against any  
19 individual that resulted in great bodily harm or permanent  
20 disability.

21 (Source: P.A. 96-852, eff. 1-1-10.)

22 Section 25. The Sex Offender Registration Act is amended by  
23 changing Sections 2 and 7 as follows:

24 (730 ILCS 150/2) (from Ch. 38, par. 222)

1 (Text of Section after amendment by P.A. 96-1551)

2 Sec. 2. Definitions.

3 (A) As used in this Article, "sex offender" means any  
4 person who is:

5 (1) charged pursuant to Illinois law, or any  
6 substantially similar federal, Uniform Code of Military  
7 Justice, sister state, or foreign country law, with a sex  
8 offense set forth in subsection (B) of this Section or the  
9 attempt to commit an included sex offense, and:

10 (a) is convicted of such offense or an attempt to  
11 commit such offense; or

12 (b) is found not guilty by reason of insanity of  
13 such offense or an attempt to commit such offense; or

14 (c) is found not guilty by reason of insanity  
15 pursuant to Section 104-25(c) of the Code of Criminal  
16 Procedure of 1963 of such offense or an attempt to  
17 commit such offense; or

18 (d) is the subject of a finding not resulting in an  
19 acquittal at a hearing conducted pursuant to Section  
20 104-25(a) of the Code of Criminal Procedure of 1963 for  
21 the alleged commission or attempted commission of such  
22 offense; or

23 (e) is found not guilty by reason of insanity  
24 following a hearing conducted pursuant to a federal,  
25 Uniform Code of Military Justice, sister state, or  
26 foreign country law substantially similar to Section

1           104-25(c) of the Code of Criminal Procedure of 1963 of  
2           such offense or of the attempted commission of such  
3           offense; or

4           (f) is the subject of a finding not resulting in an  
5           acquittal at a hearing conducted pursuant to a federal,  
6           Uniform Code of Military Justice, sister state, or  
7           foreign country law substantially similar to Section  
8           104-25(a) of the Code of Criminal Procedure of 1963 for  
9           the alleged violation or attempted commission of such  
10          offense; or

11          (2) certified as a sexually dangerous person pursuant  
12          to the Illinois Sexually Dangerous Persons Act, or any  
13          substantially similar federal, Uniform Code of Military  
14          Justice, sister state, or foreign country law; or

15          (3) subject to the provisions of Section 2 of the  
16          Interstate Agreements on Sexually Dangerous Persons Act;  
17          or

18          (4) found to be a sexually violent person pursuant to  
19          the Sexually Violent Persons Commitment Act or any  
20          substantially similar federal, Uniform Code of Military  
21          Justice, sister state, or foreign country law; or

22          (5) adjudicated a juvenile delinquent as the result of  
23          committing or attempting to commit an act which, if  
24          committed by an adult, would constitute any of the offenses  
25          specified in item (B), (C), or (C-5) of this Section or a  
26          violation of any substantially similar federal, Uniform

1 Code of Military Justice, sister state, or foreign country  
2 law, or found guilty under Article V of the Juvenile Court  
3 Act of 1987 of committing or attempting to commit an act  
4 which, if committed by an adult, would constitute any of  
5 the offenses specified in item (B), (C), or (C-5) of this  
6 Section or a violation of any substantially similar  
7 federal, Uniform Code of Military Justice, sister state, or  
8 foreign country law.

9 Convictions that result from or are connected with the same  
10 act, or result from offenses committed at the same time, shall  
11 be counted for the purpose of this Article as one conviction.  
12 Any conviction set aside pursuant to law is not a conviction  
13 for purposes of this Article.

14 For purposes of this Section, "convicted" shall have the  
15 same meaning as "adjudicated".

16 (B) As used in this Article, "sex offense" means:

17 (1) A violation of any of the following Sections of the  
18 Criminal Code of 1961:

19 11-20.1 (child pornography),

20 11-20.1B or 11-20.3 (aggravated child  
21 pornography),

22 11-6 (indecent solicitation of a child),

23 11-9.1 (sexual exploitation of a child),

24 11-9.2 (custodial sexual misconduct),

25 11-9.5 (sexual misconduct with a person with a  
26 disability),

1           11-14.4 (promoting juvenile prostitution),  
2           11-15.1 (soliciting for a juvenile prostitute),  
3           11-18.1 (patronizing a juvenile prostitute),  
4           11-17.1 (keeping a place of juvenile  
5 prostitution),  
6           11-19.1 (juvenile pimping),  
7           11-19.2 (exploitation of a child),  
8           11-25 (grooming),  
9           11-26 (traveling to meet a minor),  
10          11-1.20 or 12-13 (criminal sexual assault),  
11          11-1.30 or 12-14 (aggravated criminal sexual  
12 assault),  
13          11-1.40 or 12-14.1 (predatory criminal sexual  
14 assault of a child),  
15          11-1.50 or 12-15 (criminal sexual abuse),  
16          11-1.60 or 12-16 (aggravated criminal sexual  
17 abuse),  
18          12-33 (ritualized abuse of a child).

19           An attempt to commit any of these offenses.

20           (1.5) A violation of any of the following Sections of  
21 the Criminal Code of 1961, when the victim is a person  
22 under 18 years of age, the defendant is not a parent of the  
23 victim, the offense was sexually motivated as defined in  
24 Section 10 of the Sex Offender Management Board Act, and  
25 the offense was committed on or after January 1, 1996:

26           10-1 (kidnapping),

1                   10-2 (aggravated kidnapping),  
2                   10-3 (unlawful restraint),  
3                   10-3.1 (aggravated unlawful restraint).

4                   (1.6) First degree murder under Section 9-1 of the  
5 Criminal Code of 1961, ~~when the victim was a person under~~  
6 ~~18 years of age and the defendant was at least 17 years of~~  
7 ~~age at the time of the commission of the offense,~~ provided  
8 the offense was sexually motivated as defined in Section 10  
9 of the Sex Offender Management Board Act.

10                   (1.7) (Blank).

11                   (1.8) A violation or attempted violation of Section  
12 11-11 (sexual relations within families) of the Criminal  
13 Code of 1961, and the offense was committed on or after  
14 June 1, 1997.

15                   (1.9) Child abduction under paragraph (10) of  
16 subsection (b) of Section 10-5 of the Criminal Code of 1961  
17 committed by luring or attempting to lure a child under the  
18 age of 16 into a motor vehicle, building, house trailer, or  
19 dwelling place without the consent of the parent or lawful  
20 custodian of the child for other than a lawful purpose and  
21 the offense was committed on or after January 1, 1998,  
22 provided the offense was sexually motivated as defined in  
23 Section 10 of the Sex Offender Management Board Act.

24                   (1.10) A violation or attempted violation of any of the  
25 following Sections of the Criminal Code of 1961 when the  
26 offense was committed on or after July 1, 1999:

1           10-4 (forcible detention, if the victim is under 18  
2           years of age), provided the offense was sexually  
3           motivated as defined in Section 10 of the Sex Offender  
4           Management Board Act,

5           11-6.5 (indecent solicitation of an adult),

6           11-14.3 that involves soliciting for a prostitute,  
7           or 11-15 (soliciting for a prostitute, if the victim is  
8           under 18 years of age),

9           subdivision (a)(2)(A) or (a)(2)(B) of Section  
10          11-14.3, or Section 11-16 (pandering, if the victim is  
11          under 18 years of age),

12          11-18 (patronizing a prostitute, if the victim is  
13          under 18 years of age),

14          subdivision (a)(2)(C) of Section 11-14.3, or  
15          Section 11-19 (pimping, if the victim is under 18 years  
16          of age).

17          (1.11) A violation or attempted violation of any of the  
18          following Sections of the Criminal Code of 1961 when the  
19          offense was committed on or after August 22, 2002:

20          11-9 or 11-30 (public indecency for a third or  
21          subsequent conviction).

22          (1.12) A violation or attempted violation of Section  
23          5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
24          Criminal Code of 1961 (permitting sexual abuse) when the  
25          offense was committed on or after August 22, 2002.

26          (2) A violation of any former law of this State

1 substantially equivalent to any offense listed in  
2 subsection (B) of this Section.

3 (C) A conviction for an offense of federal law, Uniform  
4 Code of Military Justice, or the law of another state or a  
5 foreign country that is substantially equivalent to any offense  
6 listed in subsections (B), (C), (E), and (E-5) of this Section  
7 shall constitute a conviction for the purpose of this Article.  
8 A finding or adjudication as a sexually dangerous person or a  
9 sexually violent person under any federal law, Uniform Code of  
10 Military Justice, or the law of another state or foreign  
11 country that is substantially equivalent to the Sexually  
12 Dangerous Persons Act or the Sexually Violent Persons  
13 Commitment Act shall constitute an adjudication for the  
14 purposes of this Article.

15 (C-5) A person at least 17 years of age at the time of the  
16 commission of the offense who is convicted of first degree  
17 murder under Section 9-1 of the Criminal Code of 1961, against  
18 a person under 18 years of age, shall be required to register  
19 for natural life. A conviction for an offense of federal,  
20 Uniform Code of Military Justice, sister state, or foreign  
21 country law that is substantially equivalent to any offense  
22 listed in subsection (C-5) of this Section shall constitute a  
23 conviction for the purpose of this Article. This subsection  
24 (C-5) applies to a person who committed the offense before June  
25 1, 1996 only if the person is incarcerated in an Illinois  
26 Department of Corrections facility on August 20, 2004 (the

1 effective date of Public Act 93-977).

2 (C-6) A person who is convicted or adjudicated delinquent  
3 of first degree murder as defined in Section 9-1 of the  
4 Criminal Code of 1961, against a person 18 years of age or  
5 over, shall be required to register for his or her natural  
6 life. A conviction for an offense of federal, Uniform Code of  
7 Military Justice, sister state, or foreign country law that is  
8 substantially equivalent to any offense listed in subsection  
9 (C-6) of this Section shall constitute a conviction for the  
10 purpose of this Article. This subsection (C-6) does not apply  
11 to those individuals released from incarceration more than 10  
12 years prior to the effective date of this amendatory Act of the  
13 97th General Assembly.

14 (D) As used in this Article, "law enforcement agency having  
15 jurisdiction" means the Chief of Police in each of the  
16 municipalities in which the sex offender expects to reside,  
17 work, or attend school (1) upon his or her discharge, parole or  
18 release or (2) during the service of his or her sentence of  
19 probation or conditional discharge, or the Sheriff of the  
20 county, in the event no Police Chief exists or if the offender  
21 intends to reside, work, or attend school in an unincorporated  
22 area. "Law enforcement agency having jurisdiction" includes  
23 the location where out-of-state students attend school and  
24 where out-of-state employees are employed or are otherwise  
25 required to register.

26 (D-1) As used in this Article, "supervising officer" means

1 the assigned Illinois Department of Corrections parole agent or  
2 county probation officer.

3 (E) As used in this Article, "sexual predator" means any  
4 person who, after July 1, 1999, is:

5 (1) Convicted for an offense of federal, Uniform Code  
6 of Military Justice, sister state, or foreign country law  
7 that is substantially equivalent to any offense listed in  
8 subsection (E) or (E-5) of this Section shall constitute a  
9 conviction for the purpose of this Article. Convicted of a  
10 violation or attempted violation of any of the following  
11 Sections of the Criminal Code of 1961, if the conviction  
12 occurred after July 1, 1999:

13 11-14.4 that involves keeping a place of juvenile  
14 prostitution, or 11-17.1 (keeping a place of juvenile  
15 prostitution),

16 subdivision (a)(2) or (a)(3) of Section 11-14.4,  
17 or Section 11-19.1 (juvenile pimping),

18 subdivision (a)(4) of Section 11-14.4, or Section  
19 11-19.2 (exploitation of a child),

20 11-20.1 (child pornography),

21 11-20.1B or 11-20.3 (aggravated child  
22 pornography),

23 11-1.20 or 12-13 (criminal sexual assault),

24 11-1.30 or 12-14 (aggravated criminal sexual  
25 assault),

26 11-1.40 or 12-14.1 (predatory criminal sexual

1 assault of a child),  
2 11-1.60 or 12-16 (aggravated criminal sexual  
3 abuse),  
4 12-33 (ritualized abuse of a child);  
5 (2) (blank);  
6 (3) certified as a sexually dangerous person pursuant  
7 to the Sexually Dangerous Persons Act or any substantially  
8 similar federal, Uniform Code of Military Justice, sister  
9 state, or foreign country law;  
10 (4) found to be a sexually violent person pursuant to  
11 the Sexually Violent Persons Commitment Act or any  
12 substantially similar federal, Uniform Code of Military  
13 Justice, sister state, or foreign country law;  
14 (5) convicted of a second or subsequent offense which  
15 requires registration pursuant to this Act. The conviction  
16 for the second or subsequent offense must have occurred  
17 after July 1, 1999. For purposes of this paragraph (5),  
18 "convicted" shall include a conviction under any  
19 substantially similar Illinois, federal, Uniform Code of  
20 Military Justice, sister state, or foreign country law; or  
21 (6) convicted of a second or subsequent offense of  
22 luring a minor under Section 10-5.1 of the Criminal Code of  
23 1961.  
24 (E-5) As used in this Article, "sexual predator" also means  
25 a person convicted of a violation or attempted violation of any  
26 of the following Sections of the Criminal Code of 1961:

1           (1) Section 9-1 (first degree murder, when the victim  
2 was a person under 18 years of age and the defendant was at  
3 least 17 years of age at the time of the commission of the  
4 offense, provided the offense was sexually motivated as  
5 defined in Section 10 of the Sex Offender Management Board  
6 Act);

7           (2) Section 11-9.5 (sexual misconduct with a person  
8 with a disability);

9           (3) when the victim is a person under 18 years of age,  
10 the defendant is not a parent of the victim, the offense  
11 was sexually motivated as defined in Section 10 of the Sex  
12 Offender Management Board Act, and the offense was  
13 committed on or after January 1, 1996: (A) Section 10-1  
14 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
15 (C) Section 10-3 (unlawful restraint), and (D) Section  
16 10-3.1 (aggravated unlawful restraint); and

17           (4) Section 10-5(b)(10) (child abduction committed by  
18 luring or attempting to lure a child under the age of 16  
19 into a motor vehicle, building, house trailer, or dwelling  
20 place without the consent of the parent or lawful custodian  
21 of the child for other than a lawful purpose and the  
22 offense was committed on or after January 1, 1998, provided  
23 the offense was sexually motivated as defined in Section 10  
24 of the Sex Offender Management Board Act).

25           (F) As used in this Article, "out-of-state student" means  
26 any sex offender, as defined in this Section, or sexual

1 predator who is enrolled in Illinois, on a full-time or  
2 part-time basis, in any public or private educational  
3 institution, including, but not limited to, any secondary  
4 school, trade or professional institution, or institution of  
5 higher learning.

6 (G) As used in this Article, "out-of-state employee" means  
7 any sex offender, as defined in this Section, or sexual  
8 predator who works in Illinois, regardless of whether the  
9 individual receives payment for services performed, for a  
10 period of time of 10 or more days or for an aggregate period of  
11 time of 30 or more days during any calendar year. Persons who  
12 operate motor vehicles in the State accrue one day of  
13 employment time for any portion of a day spent in Illinois.

14 (H) As used in this Article, "school" means any public or  
15 private educational institution, including, but not limited  
16 to, any elementary or secondary school, trade or professional  
17 institution, or institution of higher education.

18 (I) As used in this Article, "fixed residence" means any  
19 and all places that a sex offender resides for an aggregate  
20 period of time of 5 or more days in a calendar year.

21 (J) As used in this Article, "Internet protocol address"  
22 means the string of numbers by which a location on the Internet  
23 is identified by routers or other computers connected to the  
24 Internet.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;  
26 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.

1 8-21-08; 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11; 96-1551,  
2 eff. 7-1-11.)

3 (730 ILCS 150/7) (from Ch. 38, par. 227)

4 Sec. 7. Duration of registration. A person who has been  
5 adjudicated to be sexually dangerous and is later released or  
6 found to be no longer sexually dangerous and discharged, shall  
7 register for the period of his or her natural life. A sexually  
8 violent person or sexual predator shall register for the period  
9 of his or her natural life after conviction or adjudication if  
10 not confined to a penal institution, hospital, or other  
11 institution or facility, and if confined, for the period of his  
12 or her natural life after parole, discharge, or release from  
13 any such facility. A person who becomes subject to registration  
14 under this Article who has previously been subject to  
15 registration under this Article or under the ~~Child~~ Murderer and  
16 Violent Offender Against Youth Registration Act or similar  
17 registration requirements of other jurisdictions shall  
18 register for the period of his or her natural life if not  
19 confined to a penal institution, hospital, or other institution  
20 or facility, and if confined, for the period of his or her  
21 natural life after parole, discharge, or release from any such  
22 facility. Any other person who is required to register under  
23 this Article shall be required to register for a period of 10  
24 years after conviction or adjudication if not confined to a  
25 penal institution, hospital or any other institution or

1 facility, and if confined, for a period of 10 years after  
2 parole, discharge or release from any such facility. A sex  
3 offender who is allowed to leave a county, State, or federal  
4 facility for the purposes of work release, education, or  
5 overnight visitations shall be required to register within 3  
6 days of beginning such a program. Liability for registration  
7 terminates at the expiration of 10 years from the date of  
8 conviction or adjudication if not confined to a penal  
9 institution, hospital or any other institution or facility and  
10 if confined, at the expiration of 10 years from the date of  
11 parole, discharge or release from any such facility, providing  
12 such person does not, during that period, again become liable  
13 to register under the provisions of this Article. Reconfinement  
14 due to a violation of parole or other circumstances that  
15 relates to the original conviction or adjudication shall extend  
16 the period of registration to 10 years after final parole,  
17 discharge, or release. Reconfinement due to a violation of  
18 parole or other circumstances that do not relate to the  
19 original conviction or adjudication shall toll the running of  
20 the balance of the 10-year period of registration, which shall  
21 not commence running until after final parole, discharge, or  
22 release. The Director of State Police, consistent with  
23 administrative rules, shall extend for 10 years the  
24 registration period of any sex offender, as defined in Section  
25 2 of this Act, who fails to comply with the provisions of this  
26 Article. The registration period for any sex offender who fails

1 to comply with any provision of the Act shall extend the period  
2 of registration by 10 years beginning from the first date of  
3 registration after the violation. If the registration period is  
4 extended, the Department of State Police shall send a  
5 registered letter to the law enforcement agency where the sex  
6 offender resides within 3 days after the extension of the  
7 registration period. The sex offender shall report to that law  
8 enforcement agency and sign for that letter. One copy of that  
9 letter shall be kept on file with the law enforcement agency of  
10 the jurisdiction where the sex offender resides and one copy  
11 shall be returned to the Department of State Police.

12 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,  
13 eff. 8-14-07; 95-331, eff. 8-21-07; 95-513, eff. 6-1-08;  
14 95-640, eff. 6-1-08; 95-876, eff. 8-21-08.)

15 Section 30. The Child Murderer and Violent Offender Against  
16 Youth Registration Act is amended by changing Sections 1, 5,  
17 10, 11, 55, 60, 65, 75, 85, and 86 as follows:

18 (730 ILCS 154/1)

19 Sec. 1. Short title. This Act may be cited as the ~~Child~~  
20 Murderer and Violent Offender Against Youth Registration Act.

21 (Source: P.A. 94-945, eff. 6-27-06.)

22 (730 ILCS 154/5)

23 Sec. 5. Definitions.

1 (a) As used in this Act, "violent offender against youth"  
2 means any person who is:

3 (1) charged pursuant to Illinois law, or any  
4 substantially similar federal, Uniform Code of Military  
5 Justice, sister state, or foreign country law, with a  
6 violent offense against youth set forth in subsection (b)  
7 of this Section or the attempt to commit an included  
8 violent offense against youth, and:

9 (A) is convicted of such offense or an attempt to  
10 commit such offense; or

11 (B) is found not guilty by reason of insanity of  
12 such offense or an attempt to commit such offense; or

13 (C) is found not guilty by reason of insanity  
14 pursuant to subsection (c) of Section 104-25 of the  
15 Code of Criminal Procedure of 1963 of such offense or  
16 an attempt to commit such offense; or

17 (D) is the subject of a finding not resulting in an  
18 acquittal at a hearing conducted pursuant to  
19 subsection (a) of Section 104-25 of the Code of  
20 Criminal Procedure of 1963 for the alleged commission  
21 or attempted commission of such offense; or

22 (E) is found not guilty by reason of insanity  
23 following a hearing conducted pursuant to a federal,  
24 Uniform Code of Military Justice, sister state, or  
25 foreign country law substantially similar to  
26 subsection (c) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 of such offense or of the  
2 attempted commission of such offense; or

3 (F) is the subject of a finding not resulting in an  
4 acquittal at a hearing conducted pursuant to a federal,  
5 Uniform Code of Military Justice, sister state, or  
6 foreign country law substantially similar to  
7 subsection (c) of Section 104-25 of the Code of  
8 Criminal Procedure of 1963 for the alleged violation or  
9 attempted commission of such offense; or

10 (2) adjudicated a juvenile delinquent as the result of  
11 committing or attempting to commit an act which, if  
12 committed by an adult, would constitute any of the offenses  
13 specified in subsection (b) or (c-5) of this Section or a  
14 violation of any substantially similar federal, Uniform  
15 Code of Military Justice, sister state, or foreign country  
16 law, or found guilty under Article V of the Juvenile Court  
17 Act of 1987 of committing or attempting to commit an act  
18 which, if committed by an adult, would constitute any of  
19 the offenses specified in subsection (b) or (c-5) of this  
20 Section or a violation of any substantially similar  
21 federal, Uniform Code of Military Justice, sister state, or  
22 foreign country law.

23 Convictions that result from or are connected with the same  
24 act, or result from offenses committed at the same time, shall  
25 be counted for the purpose of this Act as one conviction. Any  
26 conviction set aside pursuant to law is not a conviction for

1 purposes of this Act.

2 For purposes of this Section, "convicted" shall have the  
3 same meaning as "adjudicated". For the purposes of this Act, a  
4 person who is defined as a violent offender against youth as a  
5 result of being adjudicated a juvenile delinquent under  
6 paragraph (2) of this subsection (a) upon attaining 17 years of  
7 age shall be considered as having committed the violent offense  
8 against youth on or after the 17th birthday of the violent  
9 offender against youth. Registration of juveniles upon  
10 attaining 17 years of age shall not extend the original  
11 registration of 10 years from the date of conviction.

12 (b) As used in this Act, "violent offense against youth"  
13 means:

14 (1) A violation of any of the following Sections of the  
15 Criminal Code of 1961, when the victim is a person under 18  
16 years of age and the offense was committed on or after  
17 January 1, 1996:

18 10-1 (kidnapping),  
19 10-2 (aggravated kidnapping),  
20 10-3 (unlawful restraint),  
21 10-3.1 (aggravated unlawful restraint),  
22 12-3.2 (domestic battery),  
23 12-3.3 (aggravated domestic battery),  
24 12-4 (aggravated battery),  
25 12-4.1 (heinous battery),  
26 12-4.3 (aggravated battery of a child),

1           12-4.4 (aggravated battery of an unborn child),  
2           12-33 (ritualized abuse of a child).

3           An attempt to commit any of these offenses.

4           (2) First degree murder under Section 9-1 of the  
5 Criminal Code of 1961, when the victim was a person under  
6 18 years of age and the defendant was at least 17 years of  
7 age at the time of the commission of the offense.

8           (3) Child abduction under paragraph (10) of subsection  
9 (b) of Section 10-5 of the Criminal Code of 1961 committed  
10 by luring or attempting to lure a child under the age of 16  
11 into a motor vehicle, building, house trailer, or dwelling  
12 place without the consent of the parent or lawful custodian  
13 of the child for other than a lawful purpose and the  
14 offense was committed on or after January 1, 1998.

15           (4) A violation or attempted violation of ~~any of~~ the  
16 following Section ~~Sections~~ of the Criminal Code of 1961  
17 when the offense was committed on or after July 1, 1999:

18           10-4 (forcible detention, if the victim is under 18  
19 years of age).

20           (4.1) Involuntary manslaughter under Section 9-3 of  
21 the Criminal Code of 1961 where baby shaking was the  
22 proximate cause of death of the victim of the offense.

23           (4.2) Endangering the life or health of a child under  
24 Section 12-21.6 of the Criminal Code of 1961 that results  
25 in the death of the child where baby shaking was the  
26 proximate cause of the death of the child.

1           (5) A violation of any former law of this State  
2           substantially equivalent to any offense listed in this  
3           subsection (b).

4           (b-5) For the purposes of this Section, "first degree  
5           murder of an adult" means first degree murder under Section 9-1  
6           of the Criminal Code of 1961 when the victim was a person 18  
7           years of age or older at the time of the commission of the  
8           offense.

9           (c) A conviction for an offense of federal law, Uniform  
10          Code of Military Justice, or the law of another state or a  
11          foreign country that is substantially equivalent to any offense  
12          listed in subsections (b) and (c-5) of this Section shall  
13          constitute a conviction for the purpose of this Act.

14          (c-5) A person at least 17 years of age at the time of the  
15          commission of the offense who is convicted of first degree  
16          murder under Section 9-1 of the Criminal Code of 1961, against  
17          a person under 18 years of age, shall be required to register  
18          for natural life. A conviction for an offense of federal,  
19          Uniform Code of Military Justice, sister state, or foreign  
20          country law that is substantially equivalent to any offense  
21          listed in this subsection (c-5) shall constitute a conviction  
22          for the purpose of this Act. This subsection (c-5) applies to a  
23          person who committed the offense before June 1, 1996 only if  
24          the person is incarcerated in an Illinois Department of  
25          Corrections facility on August 20, 2004.

26          (c-6) A person who is convicted or adjudicated delinquent

1 of first degree murder of an adult shall be required to  
2 register for a period of 10 years after conviction or  
3 adjudication if not confined to a penal institution, hospital,  
4 or any other institution or facility, and if confined, for a  
5 period of 10 years after parole, discharge, or release from any  
6 such facility. A conviction for an offense of federal, Uniform  
7 Code of Military Justice, sister state, or foreign country law  
8 that is substantially equivalent to any offense listed in  
9 subsection (c-6) of this Section shall constitute a conviction  
10 for the purpose of this Act. This subsection (c-6) does not  
11 apply to those individuals released from incarceration more  
12 than 10 years prior to the effective date of this amendatory  
13 Act of the 97th General Assembly.

14 (d) As used in this Act, "law enforcement agency having  
15 jurisdiction" means the Chief of Police in each of the  
16 municipalities in which the violent offender against youth  
17 expects to reside, work, or attend school (1) upon his or her  
18 discharge, parole or release or (2) during the service of his  
19 or her sentence of probation or conditional discharge, or the  
20 Sheriff of the county, in the event no Police Chief exists or  
21 if the offender intends to reside, work, or attend school in an  
22 unincorporated area. "Law enforcement agency having  
23 jurisdiction" includes the location where out-of-state  
24 students attend school and where out-of-state employees are  
25 employed or are otherwise required to register.

26 (e) As used in this Act, "supervising officer" means the

1 assigned Illinois Department of Corrections parole agent or  
2 county probation officer.

3 (f) As used in this Act, "out-of-state student" means any  
4 violent offender against youth who is enrolled in Illinois, on  
5 a full-time or part-time basis, in any public or private  
6 educational institution, including, but not limited to, any  
7 secondary school, trade or professional institution, or  
8 institution of higher learning.

9 (g) As used in this Act, "out-of-state employee" means any  
10 violent offender against youth who works in Illinois,  
11 regardless of whether the individual receives payment for  
12 services performed, for a period of time of 10 or more days or  
13 for an aggregate period of time of 30 or more days during any  
14 calendar year. Persons who operate motor vehicles in the State  
15 accrue one day of employment time for any portion of a day  
16 spent in Illinois.

17 (h) As used in this Act, "school" means any public or  
18 private educational institution, including, but not limited  
19 to, any elementary or secondary school, trade or professional  
20 institution, or institution of higher education.

21 (i) As used in this Act, "fixed residence" means any and  
22 all places that a violent offender against youth resides for an  
23 aggregate period of time of 5 or more days in a calendar year.

24 (j) As used in this Act, "baby shaking" means the vigorous  
25 shaking of an infant or a young child that may result in  
26 bleeding inside the head and cause one or more of the following

1 conditions: irreversible brain damage; blindness, retinal  
2 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal  
3 cord injury, including paralysis; seizures; learning  
4 disability; central nervous system injury; closed head injury;  
5 rib fracture; subdural hematoma; or death.

6 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;  
7 revised 9-2-10.)

8 (730 ILCS 154/10)

9 Sec. 10. Duty to register.

10 (a) A violent offender against youth shall, within the time  
11 period prescribed in subsections (b) and (c), register in  
12 person and provide accurate information as required by the  
13 Department of State Police. Such information shall include a  
14 current photograph, current address, current place of  
15 employment, the employer's telephone number, school attended,  
16 extensions of the time period for registering as provided in  
17 this Act and, if an extension was granted, the reason why the  
18 extension was granted and the date the violent offender against  
19 youth was notified of the extension. A person who has been  
20 adjudicated a juvenile delinquent for an act which, if  
21 committed by an adult, would be a violent offense against youth  
22 shall register as an adult violent offender against youth  
23 within 10 days after attaining 17 years of age. The violent  
24 offender against youth shall register:

25 (1) with the chief of police in the municipality in

1           which he or she resides or is temporarily domiciled for a  
2           period of time of 5 or more days, unless the municipality  
3           is the City of Chicago, in which case he or she shall  
4           register at the Chicago Police Department Headquarters; or

5           (2) with the sheriff in the county in which he or she  
6           resides or is temporarily domiciled for a period of time of  
7           5 or more days in an unincorporated area or, if  
8           incorporated, no police chief exists.

9           If the violent offender against youth is employed at or  
10          attends an institution of higher education, he or she shall  
11          register:

12           (i) with the chief of police in the municipality in  
13           which he or she is employed at or attends an institution of  
14           higher education, unless the municipality is the City of  
15           Chicago, in which case he or she shall register at the  
16           Chicago Police Department Headquarters; or

17           (ii) with the sheriff in the county in which he or she  
18           is employed or attends an institution of higher education  
19           located in an unincorporated area, or if incorporated, no  
20           police chief exists.

21          For purposes of this Act, the place of residence or  
22          temporary domicile is defined as any and all places where the  
23          violent offender against youth resides for an aggregate period  
24          of time of 5 or more days during any calendar year. Any person  
25          required to register under this Act who lacks a fixed address  
26          or temporary domicile must notify, in person, the agency of

1 jurisdiction of his or her last known address within 5 days  
2 after ceasing to have a fixed residence.

3 Any person who lacks a fixed residence must report weekly,  
4 in person, with the sheriff's office of the county in which he  
5 or she is located in an unincorporated area, or with the chief  
6 of police in the municipality in which he or she is located.  
7 The agency of jurisdiction will document each weekly  
8 registration to include all the locations where the person has  
9 stayed during the past 7 days.

10 The violent offender against youth shall provide accurate  
11 information as required by the Department of State Police. That  
12 information shall include the current place of employment of  
13 the violent offender against youth.

14 (a-5) An out-of-state student or out-of-state employee  
15 shall, within 5 days after beginning school or employment in  
16 this State, register in person and provide accurate information  
17 as required by the Department of State Police. Such information  
18 will include current place of employment, school attended, and  
19 address in state of residence. The out-of-state student or  
20 out-of-state employee shall register:

21 (1) with the chief of police in the municipality in  
22 which he or she attends school or is employed for a period  
23 of time of 5 or more days or for an aggregate period of  
24 time of more than 30 days during any calendar year, unless  
25 the municipality is the City of Chicago, in which case he  
26 or she shall register at the Chicago Police Department

1           Headquarters; or

2           (2) with the sheriff in the county in which he or she  
3           attends school or is employed for a period of time of 5 or  
4           more days or for an aggregate period of time of more than  
5           30 days during any calendar year in an unincorporated area  
6           or, if incorporated, no police chief exists.

7           The out-of-state student or out-of-state employee shall  
8           provide accurate information as required by the Department of  
9           State Police. That information shall include the out-of-state  
10          student's current place of school attendance or the  
11          out-of-state employee's current place of employment.

12          (b) Any violent offender against youth regardless of any  
13          initial, prior, or other registration, shall, within 5 days of  
14          beginning school, or establishing a residence, place of  
15          employment, or temporary domicile in any county, register in  
16          person as set forth in subsection (a) or (a-5).

17          (c) The registration for any person required to register  
18          under this Act shall be as follows:

19               (1) Except as provided in paragraph (3) of this  
20               subsection (c), any person who has not been notified of his  
21               or her responsibility to register shall be notified by a  
22               criminal justice entity of his or her responsibility to  
23               register. Upon notification the person must then register  
24               within 5 days of notification of his or her requirement to  
25               register. If notification is not made within the offender's  
26               10 year registration requirement, and the Department of

1 State Police determines no evidence exists or indicates the  
2 offender attempted to avoid registration, the offender  
3 will no longer be required to register under this Act.

4 (2) Except as provided in paragraph (3) of this  
5 subsection (c), any person convicted on or after the  
6 effective date of this Act shall register in person within  
7 5 days after the entry of the sentencing order based upon  
8 his or her conviction.

9 (3) Any person unable to comply with the registration  
10 requirements of this Act because he or she is confined,  
11 institutionalized, or imprisoned in Illinois on or after  
12 the effective date of this Act shall register in person  
13 within 5 days of discharge, parole or release.

14 (4) The person shall provide positive identification  
15 and documentation that substantiates proof of residence at  
16 the registering address.

17 (5) The person shall pay a \$20 initial registration fee  
18 and a \$10 annual renewal fee. The fees shall be deposited  
19 into the ~~Child~~ Murderer and Violent Offender Against Youth  
20 Registration Fund. The fees shall be used by the  
21 registering agency for official purposes. The agency shall  
22 establish procedures to document receipt and use of the  
23 funds. The law enforcement agency having jurisdiction may  
24 waive the registration fee if it determines that the person  
25 is indigent and unable to pay the registration fee.

26 (d) Within 5 days after obtaining or changing employment, a

1 person required to register under this Section must report, in  
2 person to the law enforcement agency having jurisdiction, the  
3 business name and address where he or she is employed. If the  
4 person has multiple businesses or work locations, every  
5 business and work location must be reported to the law  
6 enforcement agency having jurisdiction.

7 (Source: P.A. 94-945, eff. 6-27-06.)

8 (730 ILCS 154/11)

9 Sec. 11. Transfer from the sex offender registry.

10 (a) The registration information for a person registered  
11 under the Sex Offender Registration Act who was convicted or  
12 adjudicated for an offense listed in subsection (b) of Section  
13 5 of this Act may only be transferred to the ~~Child~~ Murderer and  
14 Violent Offender Against Youth Registry if all the following  
15 conditions are met:

16 (1) The offender's sole offense requiring registration  
17 was a conviction or adjudication for an offense or offenses  
18 listed in subsection (b) of Section 5 of this Act.

19 (2) The State's Attorney's Office in the county in  
20 which the offender was convicted has verified, on a form  
21 prescribed by the Illinois State Police, that the person's  
22 crime that required or requires registration was not  
23 sexually motivated as defined in Section 10 of the Sex  
24 Offender Management Board Act.

25 (3) The completed form has been received by the

1 registering law enforcement agency and the Illinois State  
2 Police's Sex Offender Registration Unit.

3 (b) Transfer under this Section shall not extend the  
4 registration period for offenders who were registered under the  
5 Sex Offender Registration Act.

6 (Source: P.A. 94-945, eff. 6-27-06.)

7 (730 ILCS 154/55)

8 Sec. 55. Public inspection of registration data. Except as  
9 provided in the ~~Child~~ Murderer and Violent Offender Against  
10 Youth Community Notification Law, the statements or any other  
11 information required by this Act shall not be open to  
12 inspection by the public, or by any person other than by a law  
13 enforcement officer or other individual as may be authorized by  
14 law and shall include law enforcement agencies of this State,  
15 any other state, or of the federal government. Similar  
16 information may be requested from any law enforcement agency of  
17 another state or of the federal government for purposes of this  
18 Act. It is a Class B misdemeanor to permit the unauthorized  
19 release of any information required by this Act.

20 (Source: P.A. 94-945, eff. 6-27-06.)

21 (730 ILCS 154/60)

22 Sec. 60. Penalty. Any person who is required to register  
23 under this Act who violates any of the provisions of this Act  
24 and any person who is required to register under this Act who

1 seeks to change his or her name under Article 21 of the Code of  
2 Civil Procedure is guilty of a Class 3 felony. Any person who  
3 is convicted for a violation of this Act for a second or  
4 subsequent time is guilty of a Class 2 felony. Any person who  
5 is required to register under this Act who knowingly or  
6 wilfully gives material information required by this Act that  
7 is false is guilty of a Class 3 felony. Any person convicted of  
8 a violation of any provision of this Act shall, in addition to  
9 any other penalty required by law, be required to serve a  
10 minimum period of 7 days confinement in the local county jail.  
11 The court shall impose a mandatory minimum fine of \$500 for  
12 failure to comply with any provision of this Act. These fines  
13 shall be deposited into the ~~Child~~ Murderer and Violent Offender  
14 Against Youth Registration Fund. Any violent offender against  
15 youth who violates any provision of this Act may be arrested  
16 and tried in any Illinois county where the violent offender  
17 against youth can be located. The local police department or  
18 sheriff's office is not required to determine whether the  
19 person is living within its jurisdiction.

20 (Source: P.A. 94-945, eff. 6-27-06.)

21 (730 ILCS 154/65)

22 Sec. 65. ~~Child~~ Murderer and Violent Offender Against Youth  
23 Registration Fund. There is created the ~~Child~~ Murderer and  
24 Violent Offender Against Youth Registration Fund. Moneys in the  
25 Fund shall be used to cover costs incurred by the criminal

1 justice system to administer this Act. The Department of State  
2 Police shall establish and promulgate rules and procedures  
3 regarding the administration of this Fund. Fifty percent of the  
4 moneys in the Fund shall be allocated by the Department for  
5 sheriffs' offices and police departments. The remaining moneys  
6 in the Fund shall be allocated to the Illinois State Police for  
7 education and administration of the Act.

8 (Source: P.A. 94-945, eff. 6-27-06.)

9 (730 ILCS 154/75)

10 Sec. 75. ~~Child~~ Murderer and Violent Offender Against Youth  
11 Community Notification Law. Sections 75 through 105 of this Act  
12 may be cited as the ~~Child~~ Murderer and Violent Offender Against  
13 Youth Community Notification Law.

14 (Source: P.A. 94-945, eff. 6-27-06.)

15 (730 ILCS 154/85)

16 Sec. 85. ~~Child~~ Murderer and Violent Offender Against Youth  
17 Database.

18 (a) The Department of State Police shall establish and  
19 maintain a Statewide ~~Child~~ Murderer and Violent Offender  
20 Against Youth Database for the purpose of identifying violent  
21 offenders against youth and making that information available  
22 to the persons specified in Section 95. The Database shall be  
23 created from the Law Enforcement Agencies Data System (LEADS)  
24 established under Section 6 of the Intergovernmental Missing

1 Child Recovery Act of 1984. The Department of State Police  
2 shall examine its LEADS database for persons registered as  
3 violent offenders against youth under this Act and shall  
4 identify those who are violent offenders against youth and  
5 shall add all the information, including photographs if  
6 available, on those violent offenders against youth to the  
7 Statewide ~~Child~~ Murderer and Violent Offender Against Youth  
8 Database.

9 (b) The Department of State Police must make the  
10 information contained in the Statewide ~~Child~~ Murderer and  
11 Violent Offender Against Youth Database accessible on the  
12 Internet by means of a hyperlink labeled "~~Child~~ Murderer and  
13 Violent Offender Against Youth Information" on the  
14 Department's World Wide Web home page. The Department of State  
15 Police must update that information as it deems necessary.

16 The Department of State Police may require that a person  
17 who seeks access to the violent offender against youth  
18 information submit biographical information about himself or  
19 herself before permitting access to the violent offender  
20 against youth information. The Department of State Police must  
21 promulgate rules in accordance with the Illinois  
22 Administrative Procedure Act to implement this subsection (b)  
23 and those rules must include procedures to ensure that the  
24 information in the database is accurate.

25 (c) The Department of State Police must develop and conduct  
26 training to educate all those entities involved in the ~~Child~~

1 Murderer and Violent Offender Against Youth Registration  
2 Program.

3 (d) The Department of State Police shall commence the  
4 duties prescribed in the ~~Child~~ Murderer and Violent Offender  
5 Against Youth Registration Act within 12 months after the  
6 effective date of this Act.

7 (Source: P.A. 94-945, eff. 6-27-06.)

8 (730 ILCS 154/86)

9 Sec. 86. Verification that offense was not sexually  
10 motivated. Any person who is convicted of any of the offenses  
11 listed in subsection (b) of Section 5 of this Act on or after  
12 the effective date of this Act, shall be required to register  
13 as an offender on the ~~Child~~ Murderer and Violent Offender  
14 Against Youth Registry if, at the time of sentencing, the  
15 sentencing court verifies in writing that the offense was not  
16 sexually motivated as defined in Section 10 of the Sex Offender  
17 Management Board Act. If the offense was sexually motivated,  
18 the offender shall be required to register pursuant to the Sex  
19 Offender Registration Act.

20 (Source: P.A. 94-945, eff. 6-27-06.)

21 Section 99. Effective date. This Act takes effect January  
22 1, 2012.